



BURDICK LAW PLLC

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VIA PACER/ECF

The Hon. Glenn T. Suddaby
United States District Judge
Federal Building & U.S. Courthouse
P.O. Box 7367
Syracuse, NY 13261

January 3, 2025

Re: *Chandler v. Skipper*, No. 3:24-cv-00206-GTS-ML
Stay of Proceedings

Dear Judge Suddaby:

This firm represents Defendants Michael Maloy and Empirical Media, LLC (collectively, “Maloy Defendants”). Maloy Defendants agree that this case should not be stayed at this time as against themselves. As the Court has already noted, multiple dispositive motions have been fully briefed; the parties are awaiting decision thereon, and are not currently engaged in discovery or other litigation activities. *See* ECF 137; ECF 103, 108, 119. Accordingly, a stay would needlessly delay the Court’s decision without providing Defendants any meaningful relief.

However, if the pending motions to dismiss are eventually denied in full or in part, the parties would have to resume litigation activities—except for Mr. Harrison. Proceeding in that piecemeal fashion would be inefficient. It could also intrude upon Mr. Harrison’s statutory “breathing room” if he is required to engage in discovery, given the inextricable nature of the claims. *See, e.g., In re Residential Capital, LLC*, 480 B.R. 529, 537 (Bankr. S.D.N.Y. 2012) (extending bankruptcy stay to protect debtor from discovery requests in third-party action). Because it is unknown which claims (if any) will survive the motions to dismiss, Maloy Defendants respectfully ask that the Court revisit the issue of the stay following its disposition of the motions.

Respectfully submitted,

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